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## TERMINAL DISCLAIMER TO OBLIVIATE A DOUBLE PATENTING

## PROTECTION OVER A "PRIOR" PATENT

Docket Number (Optional)

P8240.01

In re Application of: **Edouard Koulick**Application No. **10/603,857** Filed: **June 26, 2003** Examiner: **Keehan, Christopher M.** Group Art Unit: **1712**For: **Heparin Compositions and Methods of Making and Using the Same**

The owner\*, Medtronic, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent No. 5,607,475 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

expires for failure to pay a maintenance fee; 04/19/2005 MBIZUNES 00000014 132546 10603857  
is held unenforceable; 02 FC:1814 130.00 DA  
is found invalid by a court of competent jurisdiction; 130.00 DA  
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has all claims canceled by a reexamination certificate;  
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney of record.

Reg. No. 40,151

Signature

Date

April 15, 2005David P. Ruschke

Typed or printed name

763-505-2913

Telephone Number

Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

\*The collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (any by the USPTO to process) an application. Confidentiality is governed by 37 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.